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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,545	07/25/2003	Motoki Kato	275929US6CONT	3594
22850 7590 01/02/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER WENDMAGEGN, GIRMSEW				
ART UNIT 2621		PAPER NUMBER		
NOTIFICATION DATE 01/02/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/627,545

Applicant(s)

KATO ET AL.

Examiner

GIRUMSEW WENDMAGEGN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8, 15-22, 29-43 and 50-64 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5, 8, 15-22, 29-43 and 50-64 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-5, 8, 15-22, 29-43, 50-64 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komuro et al (Patent No US 7,177,427).

Regarding claim 1, 8, 29, 35, 50, 56, Komuro et al (hereinafter Komuro) teaches an information processing apparatus, comprising: an extractor configured to extract main information including copy control information (see figure 5A 130'), and to extract auxiliary information representing attributes of said main information, from input information (see figure 5a block 440); a generator configured to generate copy permission information based on said extracted auxiliary information (see column 8 line 17-56) but does not teach a recorder configured to record the main information including the copy control information as a 188-byte transport stream packet, and to record the copy permission information generated by the generator in an extra 4-byte header adjacent to, but separate from, the 188-byte transport stream packet. However it is old and well known in the art that transport stream packet having 188-byte and source packet having extra 4-byte header to include copy permission information. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to include the copy permission information in the extra 4-byte header because it would make copy protection much stronger.

Regarding Claim2, 17, 31, 38, 52, 59, Komuro teaches the information processing apparatus according to claim 1, wherein said generator is further configured to generate a flag indicating validity of said copy permission information generated by the generator based upon whether said apparatus that recorded said main information recognized and processed said copy control information ; and the recorder is configured to record the flag indicating validity of the copy permission information in the extra 4-byte header (see column8 line 17-56, authentication).

Regarding claim3, 18, 32, 39, 53, 60, see the teaching of Komuro. Komuro does not teach auxiliary information is information indicating a mode in which said main information encoded. However it is old and well known in the art information encoding mode indicator is included in a header. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to indicate encoding mode because it would allow the playback device to determine decoder type for the main content.

Regarding claim4, 19, 33, 40, 54, 61, Komuro does not teach copy permission information is recorded by said recorder in an extra 4-byte header for each transport

stream packet of said transport stream. However it is old and well known in the art that transport stream packet having 188-byte and source packet having extra 4-byte header to include copy permission information. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to include the copy permission information in the extra 4-byte header because it would make copy protection much stronger.

Regarding claim5, 20, 34,41,55,62 Komuro teaches the information processing apparatus according to claim1 wherein: said input information is received through an IEEE1394 digital interface (see figure5 element 125 is IEEE1394); and said auxiliary information is an encryption mode indicator-(EMI) (column8 line 17-56 EMI).

Regarding claim 15,21,36,42,57,63, Komuro teaches the information processing apparatus of claim 1, further a splitter operable to split the input information into a plurality of isochronous Packets, each having an Encryption Mode Indicator (EMI) associated therewith (column8 line 17-56); and an analyzing circuit operable to select a strongest copy restriction mode from among the EMIs associated with the plurality of isochronous packets at a value representative of the input information (see column3 line 13-42; column6 table1)

Regarding claim16,22,37,43,58,64 Komuro teaches the information processing apparatus of claim15, wherein the generator is configured to generate a Copy

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Permission Indicator (CPI) corresponding to the EMI having the strongest copy restriction mode (see column3 line 13-42; column6 table1).

Regarding claim30,51, Komuro teaches the information processing apparatus according to claim 29, wherein said generator is further configured to generate said new copy control information when it is determined that said copy control information is invalid (see column8 line 17-56; column9 line 11-35).

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alr Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. W./

Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621